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Security Council

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Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia

Note verbale dated 20 April 2009 from the Permanent Mission of Slovenia to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Slovenia to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia, and has the honour to present its report pursuant to paragraph 25 of resolution 1844 (2008).

The Republic of Slovenia, as a member State of the European Union, implements restrictive measures against Somalia imposed by Security Council resolutions by taking the measures adopted by the Council of the European Union. On 16 February 2009, the Council adopted its common position 2009/138/CFSP concerning restrictive measures against Somalia and repealing common position 2008/960/CFSP. A Council regulation is to be adopted without delay.

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Security Council

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Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia

Note verbale dated 21 April 2009 from the Permanent Mission of France to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of France to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia.

In accordance with paragraph 25 of Security Council resolution 1844 (2008), the Permanent Mission of France wishes to transmit the following information to the Sanctions Committee regarding implementation of the measures set forth in paragraphs 1 to 7 of the resolution.

The members of the European Union have jointly implemented the restrictive measures imposed by Security Council resolution 1844 (2008) by enacting Council Common Position 2009/138/PESC amending Council Common Position 2002/960/PESC, on 16 February 2009. A European Union Council regulation implementing the restrictions provided for in this common position will be adopted shortly.

The French Ministry of Foreign Affairs will provide all national authorities and institutions concerned with detailed information on the list of persons and entities to be designated, pursuant to paragraph 11 of resolution 1844 (2008), by the Sanctions Committee established pursuant to Security Council resolution 751 (1992).

1. With regard to the reaffirmation, under paragraph 6 of resolution 1844 (2008), of the measures on arms imposed by paragraph 5 of resolution 733 (1992), supplemented and amended by resolutions 1356 (2001), 1425 (2002), 1725 (2006) and 1772 (2007), France has legislation requiring that an export licence be obtained for any supply, sale, transfer or export of arms and related materiel to third countries.

The Defence Code, and in particular Ordinance No. 2004-1374 of 20 December 2004, establishes the rules for war materiel, arms and ammunition. The Decree of 20 November 1991 establishes the list of war materiel and related items subject to a special export control procedure. The Decree of 2 October 1992

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sets out the procedure for the import, export and transfer of war materiel, arms, ammunition and related items.

The French system for controlling the export of arms is based on a principle of prohibition and provides for a series of authorizations and for ongoing inter-ministerial dialogue.

Ordinance No. 2004-1374 of 20 December 2004, which is included in the Defence Code, establishes the general principle that the export of war materiel is prohibited except where authorized.

Transactions involving the export of war materiel are controlled at two stages:

- First, at the signing of the export contract: any negotiation, effective sale, signing of a contract or acceptance of an order is subject to the prior approval of the Government of France. Prior approval is given by the Secretary-General for National Defence on behalf of the Prime Minister;
- The materiel can then be physically exported only after the Director-General of Customs has granted an authorization for the export of war materiel, with approval from the Ministry of Defence, the Ministry of Foreign Affairs, the Ministry of Economic Affairs, Finance and Industry and the Secretary-General for National Defence on behalf of the Prime Minister.

The granting of prior approval for the signing of a contract does not oblige the French authorities to then authorize the export of the materiel in question.

France is party to all international instruments that provide for consultations on matters relating to arms exports. In particular, its export decisions are based on the criteria set out in international treaties, conventions, instruments or forums to which it is a party, notably Council Common Position 2008/944/PESC of 8 December 2008, which sets forth common regulations governing the monitoring of technological and military equipment exports. France complies with the international embargoes decreed by the United Nations and the European Union against certain countries.

2. With respect to the travel measures imposed by paragraph 1 of resolution 1844 (2008), visas may be denied on the basis of the United Nations resolution alone. The names of the individuals to be included on the list to be adopted, where appropriate, by the Sanctions Committee established pursuant to resolution 751 (1992) will be entered into the central watch register of the worldwide visa network, a register provided for in article 1 of the Decree of 22 August 2001 and communicated via the network to French diplomatic and consular offices abroad with instructions not to issue visas to the individuals subject to the sanctions.

France will also deny visas on the basis of article 5, paragraph 1 (e) of the Convention implementing the Schengen Agreement and of Common Position 2009/138/PESC of 16 February 2009.

3. Financial measures imposed by paragraph 3 of resolution 1844 (2008) based on the principle set forth in Council Common Position 2009/138/PESC on 16 February 2009 will be implemented shortly by a European Union Council regulation.